UNITED
NATIONS

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Security Council

PROVISIONAL

S/PV.3063
31 March 1992

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
AND SIXTY-THIRD MEETING

Held at Headquarters, New York,
on Tuesday, 31 March, at 10.30 a.m.

President:	Mr. ARRIA	(Venezuela)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. JESUS
	China	Mr. LI Daoyu
	Ecuador	Mr. AYALA LASSO
	France	Mr. MERIMEE
	Hungary	Mr. ERDOS
	India	Mr. GHAREKHAN
	Japan	Mr. HATANO
	Morocco	Mr. SNOUSSI
	Russian Federation	Mr. LOZINSKY
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PICKERING
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 11 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

(a) LETTERS DATED 20 AND 23 DECEMBER 1991 (S/23306, S/23307, S/23308, S/23309, S/23317)

(b) REPORT BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 731 (1992) (S/23574)

(c) FURTHER REPORT BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 731 (1992) (S/23672)

The PRESIDENT (interpretation from Spanish): I should like to inform the Council that I have received letters from the representatives of Iraq, Jordan, the Libyan Arab Jamahiriya, Mauritania and Uganda in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Elhouderi (Libyan Arab Jamahiriya), took a place at the Council table; Mr. Al-Nima (Iraq), Mr. Naouri (Jordan), Mr. Ould Mohamed Mahmoud (Mauritania) and Mr. Karukubiro Kamunanwire (Uganda) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from Spanish): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

(The President)

Members of the Council have before them two reports by the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992), contained in documents S/23574 and S/23672 respectively.

Members of the Council also have before them document S/23762, which contains the text of a draft resolution submitted by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw attention to the following other documents: S/23641, letter dated 25 February 1992 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General; S/23656, letter dated 26 February 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General; S/23731, letter dated 18 March 1992 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General; and S/23745, letter dated 23 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Jordan to the United Nations addressed to the President of the Security Council.

The first speaker is the representative of the Libyan Arab Jamahiriya, on whom I now call.

Mr. ELHOUDERI (Libyan Arab Jamahiriya) (interpretation from Arabic): At the outset, Sir, permit me on behalf of my delegation to congratulate you on your assumption of the presidency of the Security Council for this month. We are confident that the skill and expertise to which you have accustomed us will contribute to the success of the Security Council's work in a manner that will achieve justice and maintain the principles and purposes for which the United Nations was created.

(Mr. Elhouderi, Libyan Arab Jamahiriya)

Today the Security Council is once again considering the 1988 crash of a Pan American aircraft and the 1989 crash of a UTA aircraft, along with the accusation that two Libyan nationals caused the destruction of those aircraft. This is occuring without taking into consideration the framework in which the issue should be examined: the legal framework. It is occurring without awaiting the final word on the subject from neutral and objective jurisdiction.

The Security Council's decision to consider the item again two months after the last time it did so implies that all aspects of the question have been exhaustively considered, that the two Libyan citizens have been convicted by a just and objective court, that it has been clearly and unequivocally proven that the two accused are linked to the Libyan State, that the Libyan State is responsible for their acts and that it is now the task of the Security Council to carry out the sentence.

But the facts are different. Even the evidence on the basis of which a court might convict or acquit the accused is incomplete: parties have not cooperated with the judicial authorities in Libya, having refused to turn over the files on the case and the evidence in their possession.

The situation is very similar to the way in which the Security Council has considered this matter from the very beginning: today's meeting is taking place under the same circumstances and with the same motivations.

Last January before the Council, the delegation of the Socialist People's Libyan Arab Jamahiriya reviewed what Libya has done in the face of United States, British and French allegations. While it would be repetitious to go

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over those measures again, my delegation believes it would be useful now not merely to recall them but also to demonstrate the extent to which Libyan authorities have cooperated and how much they want completely to uncover all the facts relating to these criminal acts.

In that context, I repeat before the Council that when my country received the documents of indictment its competent judicial authorities began to act. Two judges were appointed and began work imnmediately; they undertook an initial investigation and an order was issued to hold the two accused in initial custody.

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Furthermore, my country has expressed its readiness to cooperate with the judicial authorities in the States concerned; we have expressed our readiness to cooperate with all the parties concerned in their investigations. We have also asked for all the evidence, all the documents, to help us in our investigations. The relevant authorities in my country have expressed their readiness to receive investigators to participate in the investigations and have welcomed civil rights and human rights lawyers.

In addition, despite all considerations respecting Libya's national jurisdiction, the relevant authorities in my country have said that they would welcome a neutral investigating committee or putting the matter before the International Court of Justice. Although the dispute is of a purely legal nature, and therefore should be solved by legal means in accordance with the relevant international conventions, my country, on the basis of the 1971 Montreal Convention, has taken concrete, practical measures and has requested arbitration on the dispute. The Foreign Ministers of the United States of America and the United Kingdom have been informed of that in official communications.

In brief, those are the measures my country has taken since the beginning of the dispute and just before the adoption of resolution 731 (1992). As we said at the previous meeting, that was not for any political reasons. This legal issue was dealt with in accordance with current Libyan legislation, international law and accepted international norms.

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What was the response of the other parties to this just and legal position? Indeed, what was the Security Council's response? The United Kingdom and the United States of America responded to this just and legal act with more than rejection; both parties made a request for the extradition of the two Libyan citizens to stand trial on their territory, before the investigation was complete, and indeed before the two accused were faced with the accusations made against them. That is a clear violation of the most basic principles of judicial procedures. There can be no accusation without investigation and sufficient evidence, and the accused is innocent until proved guilty. There can be no sanction without trial.

Article 36 of the Charter states:

"3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court."

We had hoped that in reviewing this legal question the Security Council would act in that way. However, the Council took another direction and adopted resolution 731 (1992). Not only is that resolution based on incomplete investigations, but there is no justification for it. It makes no mention of the Libyan point of view, which we had expressed. Moreover, it ignores the provisions of Article 33 of the Charter concerning the settlement of disputes between Member States by peaceful means.

On top of all that, the procedure followed by the Council in adopting resolution 731 (1992) did not take into account the correct implementation of paragraph 3 of Article 27 of the Charter, which says that in the case of

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decisions adopted under Chapter VI a party to a dispute shall abstain from voting. That is applicable to France, Britain and the United States of America.

Those facts concerning the basis of resolution 731 (1992) and the procedures followed in its adoption are not put forward merely as the Libyan point of view. Rather, they represent the opinions of professors, other thinkers and legal experts. They are an expression of the opinion of international organizations, one of which has consultative status at the United Nations. Here I would mention the International Progress Organization, which expressed its opinion in document S/23641.

It has been said that the Security Council decided to reconsider this question because the Libyan authorities did not cooperate in implementing resolution 731 (1992). Whatever pretexts are invoked to justify this position, we wish to reaffirm that the Socialist People's Libyan Arab Jamahiriya has always abided by United Nations resolutions. We have always wanted to implement those resolutions, including Security Council resolutions.

Although Libya realizes the circumstances of the adoption of resolution 731 (1992) and the confusion surrounding it, the very day following its adoption the Jamahiriya expressed its readiness to cooperate with the Secretary-General of the United Nations to ensure the success of his mission, with respect for the United Nations Charter and international law.

On the basis of those facts the relevant Libyan authorities assured the Secretary-General's Special Envoy, who visited the Jamahiriya on 25 January this year, that that was its position. He was also informed of the measures

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taken by the Libyan Arab Jamahiriya, including the request to the Governments of the United States of America and the United Kingdom to provide the Libyan judiciary with the information at their disposal. Furthermore, the Jamahiriya suggested that the Secretary-General should invite judges from the United States of America, the United Kingdom and France to visit Libya, as well as representatives of the League of Arab States, the Organization of African Unity and the Organization of the Islamic Conference, in order to observe the trial - should Libyan judges decide on such a trial - of the two Libyan citizens.

In order to demonstrate further cooperation and good will, Libya informed the Secretary-General of other measures it had taken. First, Libya had decided to accept the French demands, because they were in line with international law and did not jeopardize Libyan sovereignty. In this context, the Libyan authorities requested the Secretary-General either to take the initiative of setting up a mechanism for the implementation of that aspect of the resolution or ask France and Libya to negotiate such a mechanism among themselves.

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Secondly, as concerns Security Council resolution 731 (1992) as a whole, Libya has reaffirmed its readiness to cooperate fully with the Council and the Secretary-General in a way that would not infringe upon its State sovereignty nor violate the United Nations Charter and the principles of international law. In this connection Libya suggested that a mechanism be created for the implementation of resolution 731 (1992) and invited the Secretary-General to create such a mechanism or to call upon the parties concerned to enter into discussions aimed at reaching an agreement on the setting up of the mechanism in accordance with the spirit of the resolution.

Notwithstanding all the difficulties and legal obstacles created both by Libyan national legislation and international conventions, the principle of national sovereignty and the Charter of the United Nations - and we believe that resolution 731 (1992) runs counter to the Charter - the Libyan Arab Jamahiriya renewed its expression of readiness to cooperate with the Secretary-General in facilitating the task entrusted to him in operative paragraph 4 of that resolution.

In that connection Libya made the following statements: First, the Jamahiriya has no objection to the principle of surrendering the two suspects to the headquarters of the United Nations Mission in Tripoli to facilitate investigations, and it has no objection to the Secretary-General's undertaking to set up a legal committee made up of objective, neutral judges to carry out fact-finding activities and to verify the seriousness of the accusations made against our two citizens, including a comprehensive investigation. If the Secretary-General were then to confirm the seriousness of the accusations, the Jamahiriya would not object to surrendering the two accused persons under his personal supervision to a third party, as long as the Secretary-General would

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furnish full legal and judicial guarantees of the need to hold a fair and objective trial based on the Declaration of Human Rights and the principles of international law.

Secondly, we agree with the French request and with the French proposal to send a judge to Libya to investigate the matter as he may see fit, and we agree to provide the French judge with copies of the minutes of the investigation undertaken by the Libyan judge.

Thirdly, in addition to the foregoing the Jamahiriya reaffirms its strong condemnation of terrorism in all its forms, regardless of the source. It has denied its purported implication in any act of terrorism and has expressed its readiness to have the United Nations Secretary-General or his deputy engage in fact-finding activities within the Jamahiriya in order to disprove - or confirm - such allegations. Libya will abide by its commitment to furnish all facilities and information required by the Secretary-General or his deputy to discover the truth, and it has clearly stated its opinion that there is a need to draft a convention, bilateral or multilateral, setting forth ways and means of eradicating international terrorism.

In addition, Libya has expressed its readiness to cooperate in putting an end to all acts of terrorism against innocent civilians and has stated that it will not allow its territory or citizens or institutions to be used in any manner whatsoever for the perpetration of acts of terrorism, either directly or indirectly, and that it is prepared to apply the severest sanctions against all persons implicated in such acts.

After all I have said, can anyone really maintain that Libya has not cooperated? My country has cooperated. It has expressed its readiness to cooperate to the utmost within full respect for its internal laws and

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international law and agreed international norms. The Jamahiriya has always wanted to solve the matter in a way that does not contravene its domestic legislation. The People's Congresses wield the power in the country, and they are the bodies that must take the appropriate decisions.

Libya's desire to deal with the matter in keeping with established conventions and norms explains its decision, which is in accordance with article 14 of the 1971 Montreal Convention, to submit the dispute to the International Court of Justice. Our goal is not, as some have claimed, to prevaricate or to gain time. The decision is in implementation of the text of the aforementioned article, which allows the Jamahiriya to seek a legal way in which it can cooperate fully.

All I have said clearly shows that the impasse in finding a solution to the problem has not been created by any lack of cooperation on the part of the Libyan authorities. The impasse has been created by the other parties, which have rejected all initiatives designed to bring about a fair and neutral investigation. Those parties want to abort any international or regional efforts in that framework. How else can we interpret the automatic rejection of all the initiatives Libya has taken to find a solution and of all the proposals made by many international organizations, including legal and regional organizations? Here, we would mention the resolution adopted by the Foreign Ministers of the League of Arab States following their extraordinary session on 22 March of this year, in which they urged the Security Council to avoid the adoption of any decision to take economic, military or diplomatic measures against Libya, to await a decision by the International Court of Justice and to allow the committee established by the Council - consisting of six ministers and the Secretary-General of the League - to undertake the

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necessary urgent contacts with the parties concerned, the President of the Security Council, the States members of the Security Council and the Secretary-General of the United Nations to find a solution to the crisis.

In the light of all that, why do we have this continuing rejection of all international appeals calling for flexibility and restraint? Why has there been a rejection of any cooperation with the Libyan judiciary? Why has there been a refusal to furnish the evidence on which the two accused persons have been indicted? Why is there a refusal to participate in the ongoing investigation or in some neutral international investigation? And in addition to those questions, we would add the following: Why is it claimed that this incident does not come under the jursidiction of the International Court of Justice, even though the United States itself has in 7 earlier cases concerning attacks against American aircraft petitioned the International Court and not the Security Council? Does this mean that the United States of America prefers to use the most useful instrument rather than the one most directly concerned? And why such haste? Why do the other parties refuse to await the opinion of the International Court of Justice on the question? Why are they exerting pressure on the Security Council to consider the question at the same time as the Court is considering it?

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The surprising fact is that the United States of America has declared in advance its rejection of any ruling of the International Court of Justice that would not in its favour. Here, we would recall its position in its dispute with Nicaragua, in which the United States rejected the Court's opinion of 26 November 1984, in violation of Article 94 of the Charter.

We fear that this rejection of all initiatives and the attempts to smear my country's reputation and to lead international public opinion astray are but paving the way to another act of aggression against peaceful Libyan cities, such as that which took place in 1986, in which hundreds of innocent civilians perished. This very morning, the Western media are claiming that Libya has prevented foreign nationals from leaving the country. This has been strongly denied by my country. It is a truly baseless allegation.

I do not wish to list here all the many statements made by officials in the British and American Governments on this subject. I would just mention one statement made by the United States President on 19 November 1991. He said that the United States was seeking possible responses beyond bringing the accused to trial.

The primary objective of the United Nations and the Security Council as laid down in Article 1 of the Charter is to act by peaceful means in conformity with the principles of justice and international law in order to settle international disputes which might lead to a breach of the peace. Proceeding from that principle and as a commitment to it, Libya has expressed its full willingness to find a peaceful and just solution to the dispute. We have reaffirmed our readiness to cooperate with the Secretary-General of the United Nations towards the success of the mission entrusted to him in Security

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Council resolution 731 (1992) in a manner promoting respect for the Charter of the United Nations and in conformity with the provisions of international law.

We have put forward many proposals, of which the Secretary-General has been apprised through his Personal Envoy or through letters communicated to him. The Jamahiriya, proceeding from principled and firm positions, has affirmed on many occasions its condemnation of international terrorism and its rejection of any form of violence threatening the lives of innocent people or endangering their security and safety. Furthermore, Libya has declared its support for the international community in any measures it takes to fight international terrorism. We have affirmed that we seek to participate effectively in any effort aimed at achieving this objective.

All of this leads me to state that it is incorrect to claim that the Libyan authorities have not fully and effectively responded to the demands contained in resolution 731 (1992). As far as the extradition of Libyan nationals is concerned, our national laws would reject any such action. Libya is not alone in this. It is a normative rule of international law. However, my country has none the less attempted to find a solution that would maintain its sovereignty and not breach its laws.

As far as the other demands are concerned, my country has fully responded to those demands in a manner respecting the norms of international law. We have shown our readiness to cooperate further, as clearly pointed out by the Secretary-General in his second report to the Security Council in document S/23672. He states in paragraph 6 of that report that:

"there has been a certain evolution in the position of the Libyan authorities".

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This conclusion clearly shows that there has been an evolution that could lead to a satisfactory solution to the dispute. On that basis, we had expected the Security Council to take this evolution into account. We had hoped to encourage the Secretary-General in his efforts to implement resolution 731 (1992).

Instead, we have found measures leading in the opposite direction. What we find today in the draft resolution before the Council is an example of the abuse of the Security Council by some permanent members through the imposition of resolutions that not only run counter to international legitimacy but also are in flagrant violation of that legitimacy. This could lead to a situation in wich the very principles and objectives of the United Nations are threatened. These are dangers the consequences of which cannot be predicted. Law and objectivity are being set aside in favour of selfish personal criteria. Such acts will also undermine the bases of international law and open the door to chaos, with a particular threat to the future of smaller States.

In accordance with Chapter VI of the United Nations Charter, and particularly paragraphs 2 and 3 of Article 36, the Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties. The Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice.

What is taking place now clearly shows that the Security Council did not take these factors into consideration. It shows that the Security Council has bent to the requests of three States and moved directly to the implementation

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of Chapter VII of the Charter, which relates to action with respect to threats to the peace, breaches of the peace, and acts of aggression. That is not the case in the situation now before the Security Council. The matter is a legal dispute concerning who should investigate the accused and who should put them on trial. That is the crux of the matter.

Therefore, brandishing Chapter VII and the draft resolution is the greatest act of fraud perpetrated against the Charter of the United Nations. It is an insult to the intelligence of the international community. It is a flagrant act of forgery. Chapter VII deals with threats to international peace and acts of aggression. Libya, which is being threatened, should invoke Chapter VII, and not the United States, Britain or France, which have invoked it merely because two people, who have yet to be proven guilty, have been indicted. The sponsors of the draft resolution and the measures based on Chapter VII included in it have jumped directly to Article 41, because Article 39 calls on the Security Council to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

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Article 40 calls upon the Security Council, before making the recommendations or deciding upon the measures provided for in Article 39, to call upon the parties to a dispute to comply with such provisional measures as it deems necessary or desirable; the Security Council must take account of whether the parties to the dispute do or do not take such provisional measures. However, none of the above has taken place, and the sponsors of the draft resolution jumped directly to the following Article, thus totally ignoring Articles 39 and 40.

The draft resolution before the Council purposely has a reference to sanctions. Operative paragraph 1 is a clear expression of a threat of further sanctions to take effect if Libya does not immediately respond to the provisons of resolution 731 (1992). Operative paragraph 2 contains unspecified demands: we do not know what criterion leads this Security Council claim that Libya must commit itself definitively to cease all acts of aggression in which they allege my country to be implicated. We do not know when the Security Council will decide that the Jamahiriya has abided by the provisions of operative paragraphs 1 and 2 of the draft resolution so that the sanctions imposed under it may be lifted according to its terms.

However, we also know that the other parties in the dispute enjoy permanent membership in the Security Council; they have the right of veto over all draft resolutions. We therefore would wonder why such haste in operative paragraph 3? Why the withdrawal of all activities and offices of foreign airlines in Libya in a period of merely days? Is not the objective to carry out another act of vengeance against Libya?

The Security Council has participated in solving many international disputes. It has put an end to tension in many regions of the world in a

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manner satisfactory to all parties concerned, and one ensuring the correct implementation of the Charter of the United Nations. In this period of the Security Council's history, there are two clear choices: either respect for the Charter in the implementation of international law, a respect for moral principles, or the other choice, which is to legitimize unjust measures which France, the United States and Britain see as the beginning of further, subsequent measures such as the imposition of an economic siege and military aggression against a small country which is working to build itself and to develop.

For our part, we still hope that the Security Council will act in accordance with the will of all States Members of the United Nations in a manner ensuring respect for the principles of the Charter and the principles of international law, a manner which would strengthen international peace and security and promote the principle of justice and fairness, a principle the application of which my country has repeatedly called for. We also hope that the Security Council will not take any measures which will adversely affect the credibility of the United Nations as an international instrument for the promotion of peace and cooperation. Such acts would make of the United Nations an instrument exploited by certain States to achieve their own objectives and aims; this would threaten the very foundations of the Organization, and would make it meet the same fate as that of the League of Nations. We hope that that will not happen again.

The PRESIDENT (interpretation from Spanish): I thank the representative of the Libyan Arab Jamahiriya, Ambassador Elhouderi, for his kind words addressed to me.

(The President)

The next speaker on my list is the representative of Jordan, who wishes to make a statement in his capacity as Chairman of the Group of Arab States for the month of March.

I invite him to take a place at the Council table and to make his statment.

Mr. NAOURI (Jordan) (interpretation from Arabic): On behalf of the Arab Group at the United Nations, which my country has the honour to be chairing during the month of March, I should like to convey to you, Sir, our sincerest congratulations on your assumption of the presidency of the Security Council for this month. Our confidence in your ability to guide the deliberations of the Council and lead them to success is reinforced by the high efficiency and diplomatic acumen which you have evinced since you first assumed this responsibility.

I should also like to express our appreciation to your predecessor, Ambassador Thomas Pickering, the Permanent Representative of the United States of America, for the worthy manner in which he conducted the work of the Council during the month of February.

The Arab countries, at the level of the Council of the Arab League and through their representatives to the United Nations, have followed with keen interest and concern the recent developments in the situation resulting from the accusations levelled at the Libyan Arab Jamahiriya concerning the destruction of the Pan Am flight and the French UTA flight. At a time when the necessary, urgent contacts between the parties concerned are still continuing in order to reach a solution to the Libyan-American-British-French crisis in accordance with the provisions of the Charter of the United Nations and the principles of international law, today we find the Security Council

(Mr. Naouri, Jordan)

facing a fait accompli; this is reflected in the draft resolution before the Council, which, if adopted, would adversely affect the important efforts made by the League of Arab States represented by the seven-member ministerial committee and the Secretary-General of the Arab League. It might also undermine the hopes our Arab peoples and public opinion are pinning on reaching a peaceful settlement satisfactory to all parties and in consonance with the letter and spirit of Security Council resolution 731 (1992).

It is regretable that the outcome the Security Council will achieve in adopting this draft resolution will be the fruit of rushing into putting the draft resolution to the vote without paying due attention to its consequences; this is the result of failing to give enough time for all concerned parties and the Secretary-General of the United Nations to make further efforts within the framework of the principles and objectives of the Charter, especially its Article 33, which calls for the peaceful settlement of all conflicts and disputes.

(Mr. Naouri, Jordan)

The Arab countries have been very desirous of reaching a peaceful solution to this problem, a solution that would avoid for our Arab region the complications that would result from adopting a resolution affecting a fraternal country, the Libyan Arab Jamahiriya. The draft resolution could have direct and indirect repercussions for other Arab and non-Arab countries which have nothing to do with the subject-matter being discussed by the Security Council under this draft resolution and which are not to blame for the consequences this draft resolution could have - especially if we take into account the close relationship between the interests of Arab and non-Arab countries, on the one hand, and those of the Libyan Arab Jamahiriya, on the other, reflected in the strong relations between those countries and the Libyan Arab Jamahiriya in other fields.

To emphasize the full attention and active efforts devoted to this crisis by the Arab countries from the outset, it might be useful to set out the steps taken and proposals made by the Arab countries in this connection:

First, the Council of the League of Arab States, in its resolution 5156 of 5 December 1991, called for the establishment of a joint committee of the United Nations and the League of Arab States. This call was reiterated in the Council's resolution 5158 of 16 January 1992. In addition, the Secretary-General of the League of Arab States was entrusted with the task of contacting the United Nations to ensure the exercise by the Secretary-General of the Organization of his good offices with all the parties concerned, with a view to reaching a peaceful settlement to this crisis.

Secondly, there was emphasis on the need to call upon the Security Council to resolve the conflict through negotiations, mediation and a judicial

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settlement, in accordance with the stipulations of Chapter VI, Article 33, of the Charter of the United Nations.

Thirdly, resolution 5161 of 22 March 1992, reflects the sincere desire of the League of Arab States by urging the Security Council to avoid adopting any resolution calling for military, economic or diplomatic actions that might lead to a worsening of the negative factors affecting the region, pending a decision by the International Court of Justice on the case submitted to it on 3 March 1992, and in order to give a chance for any efforts made by the Committee established by the Council of the League of Arab States to bear fruit.

Those are the bases of the Arab efforts to achieve a peaceful settlement to the crisis, a settlement satisfactory to all parties and in accordance with the letter and spirit of Security Council resolution 731 (1992). They are in fact in consonance with the provisions of the Charter of the United Nations and international law. Furthermore, they are realistic and logical, particularly if they are met by good intentions and not by recourse to another kind of approach, based on escalation and confrontation. Such an approach is replete with dangers to our Arab region, at a time when intensive efforts are being made to put an end to the suffering and tension that have prevailed in the region for dozens of years.

The following facts must be emphasized here:

First, the Arab efforts being made within the Council of the League of Arab States have not yet been exhausted; they have not yet run their course. These active efforts are still being made, and are set forth in the letter sent by Mr. Ahmet Abdel Meguid, the Secretary-General of the League of Arab States, to Mr. Boutros Boutros-Ghali, the Secretary-General of the United Nations, on 29 March 1992.

(Mr. Naouri, Jordan)

Secondly, in a press release issued by the office of the Secretary-General of the League of Arab States on 30 March 1992, the secretariat of the League emphasizes that the Libyan position indicated in the Libyan message concerning a solution to the present crisis between Libya and some Western countries confirms the sincere desire to evince good intentions in order to contain the crisis and reach a definitive solution to it, in accordance with public international law and the provisions of Chapter VI of the Charter of the United Nations.

Thirdly, the Arab countries have reiterated their desire for the Secretary-General of the United Nations, in accordance with the powers conferred on him under the Charter of the United Nations, to make his good offices and valuable efforts available with a view to settling this crisis by peaceful means.

Fourthly, the Arab resolutions have consistently stressed condemnation of all forms of terrorism and terrorist acts directed against innocent civilians. We believe that the phenomenon of terrorism is a painful general phenomenon and is not limited to one region or State. International efforts are required in order to establish international machinery on general legal, and not on selective, bases. The Arab countries have suffered from this phenomenon of terrorism in all its forms, and there can be no doubt that they are fully ready to participate effectively to the success of such efforts.

Fifthly, the political atmosphere in the world today, resulting from characteristics of the new international order which has begun to take shape, has made it possible to reach suitable peaceful solutions to many regional and international problems. We believe that on the same basis, and in the same spirit, the peaceful efforts to solve this problem can be crowned with success if the necessary time is given for that purpose.

(Mr. Naouri, Jordan)

There are chances for peace and for a peaceful settlement of the crisis being considered by the Security Council today. They could make a positive contribution. What is required is self-restraint, not rushing into steps and resolutions that could impede or abort such chances. In the world of today, it is our duty, indeed our responsibility, to avail ourselves of every chance for peace. The Security Council today shoulders the historic responsibility of showing its determination to continue the march towards peace and to spare our region tension and instability. We are confident that the Council will not hesitate to give peace and a peaceful settlement more time and another chance, so that they can yield their fruits.

The PRESIDENT (interpretation from Spanish): I thank the representative of Jordan for the kind words he addressed to me.

The next speaker is the representative of Mauritania. I invite him to take a place at the Council table and to make his statement.

Mr. OULD MOHAMED MAHMOUD (Mauritania) (interpretation from Arabic): On behalf of the delegations of the five States members of the Arab Maghreb Union, I have the honour of participating in the discussion on the item before the Security Council today.

I should like first to express our delegations' warm congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of March. We are convinced that thanks to your vast diplomatic experience the Council's work this month will be successful.

To your predecessor, Ambassador Thomas Pickering of the United States, our delegations express their heartfelt congratulations on the skilful way he directed the Council's proceedings last month.

(Mr. Ould Mohamed Mahmoud, Mauritania)

(spoke in French)

In our statement of 21 January 1992 on the item before the Council once again today, I noted that the States members of the Arab Maghreb Union - Algeria, Libya, Mauritania, Morocco and Tunisia - forcefully condemn terrorism in all its forms and manifestations, irrespective of the source or the perpetrators of the terrorism. In that statement I stressed that the fundamental changes on the international scene marking the end of the cold war should put an end to the reign of tension and confrontation and replace it with a new era of dialogue and cooperation fostering the peaceful settlement of the conflicts and disputes that unfortunately persist. That is why, when the Council was discussing the text that was to be adopted as resolution 731 (1992), I expressed the profound concern of our Governments, which felt that the underlying spirit of the resolution was not in harmony with the dynamics of détente and negotiations or with the hopes aroused by the prospect of a world that would be more stable, more just and more secure for all.

Today I wish again to share with the Council the concern of our States about the consideration of a draft resolution providing for sanctions against a member of the Arab Maghreb Union - the more so since the draft resolution, if adopted, would condemn the Libyan people for an act responsibility for which has not yet been established.

Members of the Council will know that, concerned about the future which the countries of the Union are determined to build together, with the help of all friendly States, the Permanent Representatives of the members of the Arab Maghreb Union have repeatedly explained that the harmful consequences of such a resolution could hamper the Union's progress.

(Mr. Ould Mohamed Mahmoud, Mauritania)

Our States therefore consider that it could be possible to avoid the sanctions and other measures set out in the text, especially since the dispute in question seems to be basically juridical in nature and since the International Court of Justice, to which it has been submitted, has been considering it since last Thursday. We know too that to settle this dispute Libya has agreed to cooperate with the Security Council and with the Secretary-General.

The Secretary-General's report to the Council pursuant to paragraph 4 of resolution 731 (1992) emphasizes the evolution of Libya's position on this issue. The countries of the Maghreb believe that the Libyan side is doing its best to cooperate in the search for a peaceful settlement of the dispute. Only a few days ago, a judge in the tribunal of the Arab Maghreb Union was mandated to continue the inquiry on the two Libyan nationals who have been charged by United States and British law-enforcement officials.

The Libyan Government has stated its willingness to comply with resolution 731 (1992) and with international law. It has also expressed its readiness to comply fully with any judgement of the International Court of Justice.

That is why the Maghreb delegations, along with the delegations of the States members of the League of Arab States and other countries which reject any possible violation of international law and which are concerned about international legality and respect for United Nations resolutions, have in recent days spoken with the President of the Council and are today addressing the members of the Council concerning the political and economic consequences of possible sanctions against Libya. That is also why the Council of

(Mr. Ould Mohamed Mahmoud, Mauritania)

Ministers of the States members of the League of Arab States, determined to contribute to the settlement of this dispute, has stated its view that the adoption of sanctions would be untimely. The seven-member ministerial committee mandated by the Council of Ministers to follow this matter is making sustained efforts to find a peaceful and equitable solution to the dispute.

In that context, we want to stress the efforts the Heads of State of the members of the Arab Maghreb Union have made in contacts with Libya and other concerned States individually and collectively. The provisions and the spirit of the Charter of the United Nations and recent experience, which calls for moderation and preventive diplomacy - the crux of the message of the recent Security Council summit - urge us to shun radical solutions marked by the stamp of humiliation.

In a world focusing on the interdependence of economic and security interests, the members of the Security Council, whose fundamental purpose is to ensure the maintenance of peace and security, must cultivate a spirit of harmony and cooperation in the service of the international community.

In any event, our delegations, which believe there remain possibilities for a peaceful settlement, hope that moderation will prevail in the consideration of this question. We believe that the adoption of any sanctions would be inappropriate, and that all efforts must be continued to promote the use of peaceful means for the solution of all disputes and conflicts. We are convinced that the Security Council can enhance its credibility and the prestige of the Organization in the service of world peace by taking into account the concerns of Member States and appeals for wisdom and prudence.

The PRESIDENT (interpretation from Spanish): I thank the representative of Mauritania for the kind words he addressed to me.

The next speaker is the representative of Iraq. I invite him to take a place at the Council table and to make his statement.

Mr. AL-NIMA (Iraq) (interpretation from Arabic): This, Sir, is the last day of your presidency of the Security Council, and my delegation wants to express its profound appreciation and admiration for the wisdom and skill with which you have presided over the Council's work this month. Those activities were many, and most significant.

It is universally believed that Security Council resolutions based on the provisions and principles of the Charter must be characterized by fairness and justice. I wish therefore to pose a number of questions prompted by the draft resolution before the Council (S/23762). My questions go to the heart of the principles of fairness and justice that all Members expect the Security Council to uphold.

My first question is a substantive one. Has the Security Council exhausted all the means available to it under Chapter VI of the Charter to secure compliance by the Libyan Arab Jamahiriya with resolution 731 (1992)? Has Libya rejected resolution 731 (1992), enabling the Council to move on to enforcement measures under Chapter VII?

(Mr. Al-Nima, Iraq)

Why did the Council act in this case with such haste and so harshly to guarantee the implementation of a resolution adopted less than three months ago, when it did not act in the same way regarding other well-known resolutions relating to other States? They include Israel, which has rejected and failed to implement any resolution of the Council for decades. The Council failed to take any action against its heinous acts of terrorism against the Palestinian people and against the sovereignty of Lebanon.

In the not-so-distant past the Council failed to act under Chapter VII regarding resolution 598 (1987) with the same alacrity and at the same level, although one of the parties to the dispute had failed to express a position on the resolution or to accept its implementation, until a whole year had passed.

Are these enforcement measures commensurate with the aims and objects of the resolution, or are they designed to become sanctions for an unspecified period? Has the Council taken into account the adverse economic implications of the resolution for the economies of the neighbouring States? The draft resolution does not imply a solution to the problems of those countries. The experience of the Gulf crisis was that certain States suffered as a result of the embargo against Iraq, and continued to suffer, and the measures taken by the Council under Article 50 did not result in any noteworthy improvement of the situation of those countries or an end to the harm inflicted on them.

Did the Council take into account the humanitarian needs of the Libyan civilians when it considered and opted for these enforcement measures? In this regard, we warn against rushing to adopt a resolution under Chapter VII against another Arab State with the aim of terrorizing its people.

(Mr. Al-Nima, Iraq)

It is common knowledge that the Libyan Arab Jamahiriya has officially expressed to the Secretary-General of the United Nations its readiness to cooperate in the implementation of resolution 731 (1992). This was restated in a communication addressed by the Secretary-General of the Arab League to the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, on 29 March, a communication which included the facts that the competent Libyan authorities did not object to the two suspects' placing themselves voluntarily at the disposal of the Secretary-General of the Arab League and that Libya was ready to implement resolution 731 (1992) in the framework of international law, international legitimacy and the national sovereignty of the Libyan Arab Jamahiriya.

The Council of the Arab League in its three meetings, the most recent of which was held at the ministerial level, has expressed solidarity with Libya, on the basis of its belief in the justice and wisdom of the Libyan position.

Libya's position, which is sensible and which conforms with the United Nations Charter and the Montreal Convention, makes it incumbent on the Council to give it a chance to develop in such a way as to satisfy all the parties. We do not believe that harm will be done to international peace and security if the Council shows patience and persists in following up efforts to achieve the desired solution, especially since the International Court of Justice is considering the question and Libya has expressed in advance its acceptance of the Court's opinion.

Good intentions, patience and sincerity are sure to contain the crisis and lead to a sound solution to it. We oppose all forms of terrorism, regardless of the party perpetrating it. Iraq and its people, which have suffered for 20 long months from the unwarranted continued embargo and are

(Mr. Al-Nima, Iraq)

still sustaining it steadfastly and patiently, call on the Council to assess fairly and justly the seriousness of the implications of these enforcement measures for the fraternal Libyan people and not allow certain hegemonistic members to dictate its decisions.

The Security Council, the organ responsible for the maintenance of international peace and security, can be true to itself and fair to all parties in its resolutions and can truly be the repository of the hopes of all. It should not once more fall under the hegemony of one or two States that want to impose their domestic laws on the international community.

The PRESIDENT (interpretation from Spanish): I thank the representative of Iraq for his kind words addressed to me.

The next speaker is the representative of Uganda. I invite him to take a place at the Council table and to make his statement.

Mr. KARUKUBIRO KAMUNANWIRE (Uganda): Let me start by congratulating you, Sir, upon your accession to the presidency of the Security Council for this month. Uganda has full confidence in your ability and diplomatic skills in guiding the work of this body to a successful conclusion.

We also wish to thank your predecessor, the Permanent Representative of the United States, Ambassador Thomas Pickering, for presiding over the work of the Council during the past month.

This being the first time we have spoken in the deliberations of the Council since the beginning of the year, we take this opportunity to congratulate Mr. Boutros Boutros-Ghali on his election as Secretary-General of the United Nations. We also pay our tribute to Mr. Perez de Cuellar for his enormous contribution to the work of this Organization in the last 10 years.

We also wish to take this opportunity to welcome all the new members to the Security Council and wish them successful deliberations during their

(Mr. Karukubiro Kamunanwire, Uganda)

tenure. Let me also take this opportunity to express our appreciation to those members whose term expired at the end of last year for their contribution.

As we join in participating in this debate, we wish to start by expressing our sincere and deepest condolences to the families and relatives of the victims of the fateful Pan American flight 103 and UTA flight 772. Uganda was particularly deeply grieved by the loss of Professor Brian Langlands, a British national who for over 30 years had headed the geography department at Makerere University. He was killed in the safety and security of his house by debris from the fateful Pan American flight 103 at Lockerbie.

Uganda condemns all acts of terrorism, including hijacking and skyjacking, by whomsoever they are perpetrated. Accordingly, Uganda condemns the Lockerbie incident involving the bombing of the Pan American flight and that of the French plane and expresses condolences to the bereaved families of the victims. We condemn the culprits, whosoever they may be, and believe that they should be brought to justice.

We would prefer the issue to be resolved peacefully in accordance with our belief in the peaceful resolution of international conflicts. This being the case, we welcomed as a positive step this issue's being brought before the International Court of Justice. Therefore, we appeal to all the parties to this conflict to follow this path. We also appeal to the parties to show understanding and cooperate fully with the proceedings of the International Court, including being ready to make available all relevant information to verify the case.

(Mr. Karukubiro Kamunanwire, Uganda)

Equally important, we wish to welcome the steps taken by both parties to get the United Nations involved and seized of the matter. Hence it is perhaps necessary and indeed imperative that the Secretary-General of the United Nations should continue to play a major pivotal role through his good offices to get to the bottom of the problem and to ensure its peaceful resolution.

It is thus our sincere hope that any decisions to emerge from this debate would give the Secretary-General the necessary means to achieve that objective in an amicable manner. We therefore urge all parties concerned to lend him the necessary support and to take this course of action.

The international community should show understanding for those countries that have significant bilateral economic relations with Libya, in accordance with Article 50 on the special economic problems arising from the carrying out of measures envisaged in the draft resolution now before the Council, for such countries may not be in a position to implement the draft resolution fully.

The PRESIDENT (interpretation from Spanish): I thank Ambassador Karukubiro Kamunanwire of Uganda for his kind words addressed to me.

I should like to inform the Council that I have received a letter dated 31 March 1992 from the Permanent Representative of Morocco to the United Nations, which reads as follows:

> "I have the honour to request that the Security Council extend an invitation to His Excellency Mr. Ahmet Engin Ansay, Permament Observer of the Organization of the Islamic Conference to the United Nations, to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the item on Libya currently on its agenda."

(The President)

That letter will be published as a document of the Security Council under the symbol S/23764. If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 to His Excellency Mr. Ahmet Engin Ansay.

There being no objection, it is so decided.

I invite His Excellency Mr. Ansay to take a place at the Council table and to make his statement.

Mr. ANSAY: Thank you, Mr. President, for giving me the opportunity to address this body for the second time this month.

The Organization of the Islamic Conference (OIC) has been following with increasing concern the accentuation of the crisis resulting from allegations implicating Libya in the explosion of Pan AM and UTA flights over Lockerbie and Niger, respectively.

Those concerns were conveyed, through Your Excellency, to the members of the Security Council by myself and by Ambassador Abdourahamane Hama, the Special Envoy of His Excellency Dr. Hamid Algabid, Secretary-General of the OIC, who visited New York earlier this month. I am indeed grateful to you for receiving the Special Envoy and for your deep understanding of the OIC's point of view regarding this matter.

As was explained by the Special Envoy and by the previous letters of the Secretary-General of the OIC, the Organization of the Islamic Conference has always vigorously denounced acts of international terrorism and remains firmly committed to working for the elimination of this phenomenon in all its forms and, in particular, to ensure the safety of international civil aviation. The Sixth Islamic Summit held last December at Dakar reaffirmed the unflinching

(Mr. Ansay)

determination of the States members of our Organization to cooperate sincerely to this effect with the international community in respect of international legality.

In this regard the Sixth Islamic Summit at Dakar noted with satisfaction the confirmation by Libya of its denunciation and condemnation of terrorism as well as its full preparedness to cooperate with a view to eradicating this scourge. The Summit reaffirmed its full solidarity with Libya and called for averting any economic or military action against it.

In order to help to clarify the situation to the satisfaction of all concerned, we have been in touch with the Libyan authoriteis at the highest level. The Government of Libya has not only given its firm assurances to cooperate in the matter but has also taken steps in this direction. In addition to instituting legal procedures of its own, it has demonstrated its readiness to cooperate with the judicial authorities of the United Kingdom and the United States with a view to establishing the facts in an objective and impartial manner.

Moreover, the Government of Libya has responded positively to all initiatives for finding a just and peaceful solution to this issue. Several countries and international organizations have urged the Governments of the United States, the United Kingdom and France to exercise restraint and to eschew a confrontational course, which could seriously impinge upon the peace and security of the region.

In view of the above, we were confident that this crisis could be resolved peacefully without any resort to punitive actions or measures against Libya. We are deeply concerned about the prospects of the Security Council's considering action against Libya under Chapter VII of the Charter. We

(Mr. Ansay)

understand that the draft resolution presented by some permanent members is seeking to impose sanctions and an air embargo against Libya. That, indeed, besides being unjustifiable given Libya's readiness to cooperate, would certainly be construed by many as a high-handed approach.

I feel it my duty to convey to the members of the Council our concerns about the imposition of sanctions against Libya. We are convinced that such a course of action will not help resolve the issue but will unfortunately and uselessly increase tension among members of the international community.

Our sentiments of deep sympathy and compassion for the families of the innocent victims of the tragic explosion of the Pan Am and UTA flights are still very fresh and very much valid. But equally valid are our feelings of solidarity and compassion with Libya and its people in the face of these disquieting prospects.

Those concerns I am conveying to the Council are of those millions and millions of Muslims around the world who are, in this holy month of Ramadan, praying for peace, love and justice for all peoples and nations. We firmly believe that this issue could indeed be resolved peaceflly on the basis of respect for international legality.

While reiterating the principled position against terrorism of the Organization of the Islamic Conference, I would like to express the hope that the Council will proceed in the matter with due care and not impose any sanctions or embargo against Libya, especially since the latter is prepared to cooperate with the Council.

The PRESIDENT (interpretation from Spanish): It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear any objections, I shall take it that that is the case.

(The President)

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall first call upon those members of the Council who wish to make statements before the voting.

Mr. JESUS (Cape Verde): As I stated last January in the Council when resolution 731 (1992) was adopted, Cape Verde strongly condemns any act of international terrorism wherever, whenever and by whomever perpetrated.

The tragedies of Pan American 103 and UTA 772 are blatant, murderous examples of the destructiveness and inhumane character of terrorism, which serves no purpose other than to cause the loss of innocent lives.

(Mr. Jesus, Cape Verde)

We joined the outcry of the community of nations in condemning these two terrorist-induced accidents and urged all those that have been engaged in this kind of macabre activity to discontinue it immediately and to abide by the basic civilized rules of human behaviour. We once again express our deepest feelings of sorrow for the victims' family members.

Last January, when the Council discussed this matter, my delegation voted in favour of resolution 731 (1992) to signify its firm condemnation of terrorism. Today, we are about to adopt a draft resolution on sanctions against Libya. The draft resolution poses some difficulties for us.

First, while we strongly believe that the individuals who perpetrated the horrible crimes that caused the tragic accidents of Pan American flight 103 and UTA flight 772 should be brought to justice and punished accordingly, we believe that the norms of international law have to be abided by. We believe it to be very important that the judicial body of this Organization - the International Court of Justice - have a role to play whenever a legal issue is at stake, as mentioned in paragraph 3 of Article 36 of the Charter. It would be more appropriate if the Council were to act after the International Court of Justice - which is now seized of this matter - had decided on what is the applicable law, if any, as to the issue of jurisdiction. Furthermore, and more importantly, as I explained in the process of the adoption of resolution 731 (1992) last January, the Constitution of Cape Verde does not allow the extradition of our own nationals. Therefore, it becomes difficult for us to endorse measures that could run counter to that constitutional principle of ours.

Secondly, we are of the view that sanctions are a measure that the Council should adopt only as a last resort, and that before sanctions are contemplated and decided upon, the Council, in conformity with the United

(Mr. Jesus, Cape Verde)

Nations Charter, should endeavour to exhaust all possibilities for a negotiated peaceful solution. In the current case, we believe that had we had more time a negotiated solution might have been worked out for the surrender of the two individuals.

For those reasons, we shall abstain in the voting on this draft resolution. We reiterate our strong condemnation of all acts of international terrorism and express our willingness to see the perpetrators of such crimes put on trial and punished in accordance with the law.

Mr. AYALA LASSO (Ecuador) (interpretation from Spanish): On 21 January this year, the Security Council unanimously adopted resolution 731 (1992), in which it urged the Government of Libya immediately to provide a full and effective response to the requests made by France, the United Kingdom and the United States of America with a view to determining responsibility for the terrorist acts against Pan American flight 103 and UTA flight 772.

At its meeting of 31 January last, the Security Council, with the participation of the Heads of State and Government of its members, expressed its deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts.

Resolution 731 (1992) included among its operative paragraphs a specific paragraph by virtue of which the Secretary-General is requested to seek the cooperation of the Libyan Government to provide a full and effective response to the requests made by France, the United Kingdom and the United States. In compliance with that provision, the Secretary-General sent a number of missions to Libya and took steps whose results were reported to the Security Council.

(Mr. Ayala Lasso, Ecuador)

The non-aligned countries have proposed many initiatives since the beginning of the year with a view to facilitating a negotiated solution to this grave and complex problem. We have found many difficulties on our path, but they have not weakened our resolve to obtain appropriate implementation of resolution 731 (1992) so that the Council would not be compelled to adopt further measures in this respect. Unfortunately, neither resolution 731 (1992), nor the statement of the Heads of State and Government adopted on 31 January, nor the diligent steps taken by the Secretary-General in implementation of paragraph 4 of that resolution, nor the tireless efforts of the members of the Non-Aligned Movement have thus far prompted Libya to comply with the requests made to it in resolution 731 (1992).

The draft resolution which the Council is considering constitutes strong pressure on Libya but, at the same time, a further opportunity for it to comply with resolution 731 (1992). If that should happen before 15 April, it is obvious that there would be no need to apply the sanctions provided for in the draft resolution. In this respect, Ecuador makes a special, friendly appeal to Libya to cooperate with the Security Council in clear and unequivocal terms. That would avoid the application of the measures provided for in paragraph 3 of the draft resolution.

I wish to inform the Security Council that on 27 March the Ministers of Foreign Affairs of the Rio Group, meeting in Buenos Aires, reiterated their firm and unanimous repudiation of terrorism from whatever source and described terrorism as an unacceptable means of political expression and as a factor conspiring against world peace and stability.

Ecuador hopes that all countries, in the face of the challenges posed by profound changes in the international scene, will contribute to laying the foundations of a new order in which violence and coercion will disappear;

(Mr. Ayala Lasso, Ecuador)

human rights and the rights of States are respected; we can live in an atmosphere of peace and security; cooperation between peoples and nations can flourish; and widespread progress is ensured through freedom and democracy.

My delegation will vote in accordance with the principles that we have just expressed.

Mr. MUMBENGEGWI (Zimbabwe): Zimbabwe condemns in the strongest terms terrorism in all its forms. We are fully aware of the pain, the suffering and the carnage that it wreaks, and it is our belief that no cause or objective can ever justify it. Members of the international community must stand shoulder to shoulder in ensuring the eradication of terrorism, which is a threat to international peace and security. Zimbabwe was particularly outraged at the tragic and needless loss of innocent lives that resulted from the terrorist bombings of Pan American flight 103 and UTA flight 772.

(Mr. Mumbengegwi, Zimbabwe)

We wish to see those responsible brought to book. In explaining its vote before this Council two months ago, my delegation stated that resolution 731 (1992) sought to achieve two main objectives: to send a clear message that the international community is determined to deal firmly with terrorism, and to ensure that the perpetrators of the Pan Am and UTA bombings are brought to justice.

Zimbabwe and other non-aligned members of the Council, at the time resolution 731 (1992) was adopted, insisted that the Secretary-General be given a clear role in seeking a peaceful, diplomatic solution to the dispute between Libya and three members of the Council. It was Zimbabwe's understanding then that any further Council action on this matter would be guided by a report from the Secretary-General. That report is before us today. My Government has studied it very carefully and has taken particular note of its conclusions. While the Secretary-General could not report unequivocal success in his efforts to seek the cooperation of Libya in responding to the requests by three members of this Council, he has concluded that there has been a certain evolution of the position of the Government of Libya, and has advised that the Security Council should take this development into consideration in its further deliberations on the issue. We commend the Secretary-General for his report, for his efforts to resolve this crisis and for his advice.

Zimbabwe is on record as having consistently maintained that, as required by the Charter, all Security Council resolutions are binding and must be complied with. The Council is now about to decide on a draft resolution imposing certain measures on Libya under Chapter VII of the Charter. From the time this draft was first circulated, we have been carefully considering the

(Mr. Mumbengegwi, Zimbabwe)

question of whether invoking Chapter VII is the best route to take at this stage. I must state that my delegation feels enormous discomfort in invoking Chapter VII at this stage: not only would such action be hasty, it would also be in complete disregard of the wise counsel of the Secretary-General and it would overlook some pertinent provisions of the Charter. It is Zimbabwe's view that, in a case such as the one before us, recourse to the sanctions provisions of Chapter VII of the Charter should be considered only as a last resort, especially in view of their devastating effects not only on the targeted country's innocent civilian population but also on the region as a whole and beyond.

Chapter VI of the Charter provides for other means that should be pursued exhaustively before resorting to Chapter VII. We do not believe that these peaceful diplomatic means have been exhausted. Precipitate action under Chapter VII in these circumstances would call into question the Security Council's commitment to solving disputes first and foremost through negotiation, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or other peaceful means, as provided for in the Charter of the United Nations.

The dispute which is the subject of the draft resolution before us is also the subject of consideration at the International Court of Justice at the Hague. The Charter provides that disputes of a legal nature should, as a general rule, be referred by the parties to the International Court of Justice. While there is no specific provision in the Charter that precludes parallel consideration of the matter by these two principal organs of our Organization, Zimbabwe believes that the authors of the Charter intended the

(Mr. Mumbengegwi, Zimbabwe)

two bodies to complement each other's efforts rather than proceed in a manner that could produce contradictory results.

By taking the Chapter VII route while this case is still pending before the world Court, the Security Council is risking a major institutional crisis. Such an institutional crisis, which is clearly avoidable, would not only undermine the prestige, credibility and integrity of the entire Organization but would also sap international confidence in the Security Council's capacity to execute, in a judicious and objective manner, its mandate as provided for in the Charter. We are convinced that it would have been in the best interests of institutional tidiness for the Security Council to await the outcome of the judicial proceedings at the International Court of Justice.

Zimbabwe attaches great importance to the rule of law in relations between States. As the body entrusted with the primary responsibility for the maintenance of international peace and security, the Council must attach due importance to international law, including international conventions. In explaining its vote at the time of the adoption of resolution 731 (1992), Zimbabwe stressed the relevance of the 1971 Montreal Convention to the matter before us. Libya and the three Council members involved are all parties to the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Two of the Council members and Libya recognize the competence of the International Court of Justice under the terms of article 14 of that Convention to arbitrate in any matter concerning the interpretation or application of the Convention, as in the present case. For that reason, it is our view that the Council's deliberations could have benefited from the Court's pronouncement.

(Mr. Mumbengegwi, Zimbabwe)

Finally, this 15-member Council acts on behalf of a total of 175 States Members of the United Nations. This means that 160 States have placed their security, and possibly their very survival, in the hands of the 15. This is a solemn and heavy responsibility that each and every member of the Council carries. It is therefore of crucial importance that every decision taken by the Security Council be able to withstand the careful scrutiny of the 160 Member States on whose behalf the Council is expected to act. This is only possible if the Council insists on being guided in its decisions and actions by the Charter and other international conventions. Any approach that assumes that international law is created by majority votes in the Security Council is bound to have far-reaching ramifications which could cause irreparable harm to the credibility and prestige of the Organization, with dire consequences for a stable and peaceful world order.

Mr. GHAREKHAN (India): At the time of the adoption of resolution 731 (1992), I had the occasion to underscore, in unambiguous terms, India's strong condemnation and abhorrence of all forms of terrorism, particularly international terrorism, and State-sponsored or State-supported terrorism in all its varieties. This dictated our support for resolution 731 (1992). India has been a victim of such terrorism and is second to none in wanting it eliminated. We are fully committed to the struggle of the international community against this menace.

In my explanation of vote on resolution 731 (1992), I expressed the view that that resolution threw up complex and important questions warranting careful attention. Developments since then, in the course of efforts undertaken for its implementation, have vindicated that assessment. If anything, the issues involved may well become, by the adoption of the present draft resolution, even more complex.

My delegation and other non-aligned members of the Council actively encouraged and welcomed the incorporation in resolution 731 (1992) of its paragraph 4, through which the prestige and resources of the Secretary-General were called upon in the cause of peace. My delegation would like to place on record its deep appreciation to the Secretary-General for his efforts in the desired direction, as well as for his readiness to extend his good offices further. We should also like to acknowledge the endeavours made by the League of Arab States, at a high level, in trying to promote a peaceful solution. The non-aligned caucus in the Council, of which India has the honour of being the coordinator for this month, spared no effort to bring about a negotiated peaceful solution.

These efforts have not been entirely in vain. As has been brought out in the Secretary-General's report of 3 March,

(Mr. Gharekhan, India)

"there has been a certain evolution in the position ... [and] the Security Council may wish to consider this in deciding on its future course of action". (S/23672, para. 6)

My delegation is of the opinion that the Council's substantive actions should take into account the considered judgement of the Secretary-General, particularly on issues with broader or global implications, as also the general consensus of the membership of the United Nations. I believe that it is important, indeed essential, for the Security Council to take into account the prevailing sentiment among the membership as a whole of our Organization while taking such extremely significant decisions.

Since the Secretary-General's report was issued, there have been developments, by way of further evolution in the situation, which suggest that more time and patience in the pursuit of the current multidirectional efforts could have yielded better results. In our view, the gravity of the issues and of their implications, foreseen and unforeseen, warrant that no stone be left unturned in our quest for a solution that, on the one hand, upholds and reinforces goodwill, peace and cooperation in international affairs and, on the other, firmly serves to deter terrorism of all kinds.

A connected and important aspect is the definition of the circumstances under which the sanctions either would not come into force at all or would be lifted. The non-aligned members of the Council, as indeed several other delegations, explored with the cosponsors the injection of more precision into the relevant paragraphs. The cosponsors showed readiness to work with us in this respect. To our regret, however, it was not possible to remove the vagueness from the draft resolution on this particular point.

(Mr. Gharekhan, India)

In the present case, the judicial process has not yet run its full course. Because of the far-reaching potential of this case, the considered opinion of the International Court of Justice on the legal aspects of the issues involved can only serve the cause of international law and peace. A little delay on that account in the Security Council's moving on to the next stage of its action would, therefore, have merited positive consideration. It should be feasible for these two principal organs of the United Nations to function in tandem in a manner so as to reinforce and enhance each other's efficacy and prestige in the cause of international peace and security.

Article 50 of the Charter is intended as the acknowledgement of the Council's responsibility to alleviate special problems of third countries arising from their faithfully carrying out enforcement measures under Chapter VII. My delegation has reiterated this concern in the past and finds it necessary again to underscore the importance of this provision. In the light of past experience, we would have considered it essential that today's draft resolution include a clearer acknowledgement of this responsibility on the part of the Security Council, with a commitment to take concrete, practical and effective measures to address urgently all such problems brought to its notice.

Let me reiterate here that India will continue to strive, even at this stage, together with the non-aligned and other delegations, as indeed with the cosponsors, for the promotion of an early, negotiated solution to the political issues being addressed in the draft resolution. My delegation is convinced that the time available between now and 15 April must be fully utilized for this purpose. My delegation understands and supports the primary objective of the cosponsors - namely, to serve an unambiguous notice on all

(Mr. Gharekhan, India)

those engaged in acts of terrorism, directly or through material, political or moral assistance to terrorists, of the determination of the international community to combat terrorism and eradicate it from our midst. We have some differences with the cosponsors about the methods and means suggested at this stage but not with their motivation, as I have just mentioned.

For the reasons I have just explained, my delegation will abstain in the voting on the draft resolution contained in document S/23762.

Mr. LI Daoyu (China) (interpretation from Chinese): Since the adoption of resolution 731 (1992) by the Security Council, the United Nations Secretary-General, the Maghreb countries, the League of Arab States and some non-aligned countries have worked tirelessly to seek, through negotiations, a solution to the incidents of the bombing of Pan American flight 103 and UTA flight 772. We wish to express our appreciation and thanks for their efforts. The International Court of Justice has recently held hearings on this issue, which undoubtedly will help clarify the facts and ascertain the truth through investigations.

The Chinese Government always resolutely opposes and strongly condemns all forms of terrorism. We have on many occasions strongly condemned the terrorist activities in the incidents to which I have referred and expressed our deep sympathy for the victims and their families. China, like other countries, believes that due punishment should be meted out to terrorists. However, we also believe that the punishment of terrorism should be based on conclusive evidence and conform to international law and the relevant international conventions. China is in favour of conducting serious, thorough, fair and objective investigations of the bombing incidents, in

(Mr. Li Daoyu, China)

accordance with the United Nations Charter and the relevant principles of international law. And we agree that those convicted criminals should be duly punished. We stand for settling international disputes through peaceful consultations and support the continuation by the Secretary-General and other parties concerned of their good offices on this issue.

(Mr. Li Daoyu, China)

In principle we do not support the Security Council imposing sanctions against Libya, because sanctions will not help settle the question but will rather complicate the issue further, aggravate regional tension and have serious economic consequences for the countries concerned in the region. Some non-aligned members and a number of Arab States have expressed their grave concern over the sanction measures contained in the draft resolution. They have also put forward some constructive ideas for amendments. China supports their suggestions.

The Chinese delegation appeals to the parties concerned to continue their efforts, and calls on the Libyan side to adopt a cooperative attitude, so as to remove their differences through consultation and dialogue. We hope the Secretary-General will continue to play an active role. We sincerely hope the international community will continue to work for a fair and reasonable solution to this dispute, so that it will be possible to avoid implementing the sanction measures against Libya.

China will abstain in the voting on the draft resolution before the Council.

Mr. SNOUSSI (Morocco) (interpretation from French): When my country voted in favour of resolution 731 (1992) a little over two months ago, we sought to associate ourselves unambiguously and forcefully with the condemnation of acts of terrorism committed against civil aviation, acts that have caused the loss of so many lives. In keeping with the Charter of the United Nations, Morocco wanted to express its solidarity in the fight against violence, so that such acts - the remnants of a bygone age - might not be repeated.

(Mr. Snoussi, Morocco)

In that way and out of a concern for legality, my country worked within the non-aligned caucus to highlight the role of the Secretary-General and to ensure that resolution 731 (1992) would be implemented with strict compliance with international law. That is why we consciously sought to strengthen the role of the Secretary-General in this endeavour, in the knowledge that relations between Libya and the three other countries concerned were of a nature not conducive to easy implementation of the resolution, a resolution that both served as a warning and aimed at turning the page on an unfortunate chapter of history.

Despite its many and varied activities, the Security Council was not inactive on this front. In accordance with resolution 731 (1992), each of its members helped in the search for a solution.

On the strength of our long-standing friendship with the three sponsors of the resolution and with the Libyan people, my country for its part did its best to avoid the situation in which we find ourselves today. We had every hope that we could dissuade the sponsors from pursuing this procedure, just as we tried to convince the other party to cooperate fully in the implementation of resolution 731 (1992).

The League of Arab States made enormous efforts to promote a solution respectful of the spirit and the letter of the Charter. Through yesterday it tried in a constructive and positive spirit to close the gap between the Security Council and Libya. In that spirit, it focused its efforts on seeking a middle ground between the divergent positions. Today we are no less eager to continue our work at all levels, both with the Security Council and its President and with the Secretary-General. The League of Arab States intends

(Mr. Snoussi, Morocco)

to keep trying to persuade Libya to comply fully with resolution 731 (1992), and to persevere in its efforts to create conditions conducive to the complete implementation of that resolution.

While we have not yet succeeded in producing the elements that would be acceptable to all, everyone understands the point of and the reasons for our persistence. Since, like Libya, we belong to the Arab Maghreb Union, to Africa and to the Arab and Islamic world, we bear a fraternal duty. That duty obliges us to use every means to avoid the worst: to avoid the deterioration of the situation and the establishment of tensions and a lack of understanding that would last for a long time to come.

The long-standing and very solid relations that link us to the three countries concerned oblige us to counsel greater moderation and patience.

Our duty to the Security Council obliges us to undertake tireless action to help the Council continue its quest, first and foremost, to resolve the world's problems through conciliation, dialogue and diplomatic means.

Morocco was among the initiators of the many initiatives and contacts to achieve an honourable solution to this problem, and it has continued to join in those endeavours; we have decided today to give ourselves another chance by abstaining in the vote on the draft resolution before the Council.

By that position we mean to stress that we cannot and will not serve both as judge and as a factor for rapprochement among the various points of view which for the moment are so divergent. My country wants also to show that it has not given up hope that we can use the coming days to continue to work

(Mr. Snoussi, Morocco)

tirelessly, as we have for two months, both through direct contacts and within the framework of the Arab Maghreb Union and the League of Arab States, to achieve a solution acceptable to all.

As we have reiterated so often, Morocco has always condemned international terrorism. That is why we did not hesitate to associate ourselves unreservedly with resolution 731 (1992). None the less, we are entitled to repeat our concern that the Arab world may soon experience another trauma, the second in less than two years. That is why from today we shall resume our tireless efforts to persuade our Libyan brothers to take every step necessary to avoid sanctions.

Once more I call the attention of the sponsors of the draft resolution to Chapter VI of the Charter and its Article 33. There remains every reason for hope. On the very eve of today's meeting, certain positive results were nearly achieved, for we were convinced that the three countries concerned sought nothing other than a peaceful diplomatic solution, and we truly understood that Libya was ready to provide guarantees both of its position against international terrrorism and of its full cooperation.

Unfortunately, we did not have enough time: time to put to the test all that good will and that sincere desire to work for peace and harmony. The magnitude of the situation deserved that. Morocco therefore still feels justified in calling upon all the members of the Council to join in this endeavour of good will, which cannot fail ultimately to benefit the entire international community.

The PRESIDENT (interpretation from Spanish): I now put to the vote the draft resolution contained in document S/23762.

A vote was taken by show of hands.

In favour: Austria, Belgium, Ecuador, France, Hungary, Japan, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

Against: None

Abstaining: Cape Verde, China, India, Morocco, Zimbabwe

The PRESIDENT (interpretation from Spanish): The result of the voting is as follows: 10 votes in favour, none against and 5 abstentions. The draft resolution has been adopted as resolution 748 (1992).

I now call on those members of the Council who wish to make statements following the voting.

Mr. PICKERING (United States of America): Over four months ago my Government, along with those of France and of the United Kingdom, provided the Security Council with evidence implicating the Government of Libya in the wanton destruction of two civilian airliners. This act resulted in the cold-blooded murder of 441 innocent civilians from over 30 countries. For Libya this act was no anomaly, but unfortunately part of a long, well-known history of support for terrorism and efforts to destabilize other Governments.

The evidence revealing Libya's involvement in these acts of terrorism indicates a serious breach of international peace and security. It fully justifies the adoption by this Council of measures pursuant to Chapter VII of the United Nations Charter.

We have called upon Libya to comply with the four requests included in resolution 731 (1992): turn over the two suspects in the bombing of Pan Am 103 for trial in either the United States or the United Kingdom and meet the demands of French justice; disclose all it knows about the bombings of Pan Am 103 and UTA flight 772; take concrete steps to cease its support for terrorism; and pay appropriate compensation.

Over two months ago this Council, acting on behalf of the international community, unanimously urged the Libyan Government to provide a full and effective response to the four demands. This resolution also makes clear the Council's decision that Libya should comply with those demands. As we sadly know, all efforts by the Secretary-General, the League of Arab States and indeed many others to bring about Libya's compliance have been blocked by Libya's continuing refusal to cooperate with the specific requests made in resolution 731 (1992).

(Mr. Pickering, United States)

The Security Council has now acted upon the sanctions resolution before us. The action we have taken is indeed most significant. At issue here is whether the international community is prepared to back up its own words with action and to demonstrate that it will protect itself against a State that engages in terrorism. The means chosen in this resolution are appropriate; these sanctions are measured, precise and limited. They are a multilateral, non-violent and peaceful response to violent and brutal acts. They are the response prescribed in the Charter as the appropriate next step for dealing with a threat to international peace and security. They are tailored to fit the offence - Libya's wanton and criminal destruction of civilian aviation - and designed to penalize the Government of Libya, not its neighbours or any other State.

By severing Libya's air links, by imposing an embargo on military matériel, by requiring military advisers, technicians and specialists to be withdrawn, and by restricting Libyan diplomats and other officials around the world, who have so often abused their status, the international community is sending two clear signals: first, that it will not tolerate such threats to international peace and security; and, secondly, that it is prepared to take concerted political action against the continuing defiance of international obligations and norms of behaviour represented by Libya's State-supported terrorism. That message is the surest guarantee that the United Nations Security Council, using its specific, unique powers under the Charter, will preserve the rule of law and ensure the peaceful resolution of threats to international peace and security, now and in the future.

(Mr. Pickering, United States)

It is an important message. It is a message that we must all hope Libya will take quickly to heart by complying with resolution 731 (1992) and honouring its obligation to foreign nationals in Libya. If it does so now it will bring this chapter to an end quickly. The pause in the implementation of the sanctions until 15 April gives Libya the opportunity to do this. The choice is now clearly and unavoidably up to Libya.

Sir David HANNAY (United Kingdom): Ten weeks ago, on 21 January, the Security Council adopted resolution 731 (1992), in which it urged the Libyan Government to comply with the requests of France, the United Kingdom and the United States as set out in documents before the Council. Ten weeks have passed, and the Libyan Government has taken no serious step towards compliance with these requests. It is now some four months since the requests were first made, and Libya continues to prevaricate, to seek by any means to evade its responsibilities and to impede action by this Council.

One of Libya's suggestions in recent days has been that compliance with the requests in resolution 731 (1992) should await the outcome of the proceedings instituted by Libya in the International Court of Justice. As the United Kingdom representative stated to the Court, we believe that Libya's application, while purporting to enjoin action by the United Kingdom against Libya, is in fact directed at interfering with the exercise by the Security Council of its rightful functions and prerogatives under the United Nations Charter. We consider that the Security Council is fully entitled to concern itself with issues of terrorism and the measures needed to address acts of terrorism in any particular case or to prevent it in the future. Any other view would undermine the primary responsibility for the maintenance of

(Sir David Hannay, United Kingdom)

international peace and security conferred on the Council by Article 24 of the Charter. It would thus seriously weaken the Council's ability to maintain peace and security in future circumstances which are unforeseen and unforeseeable.

My Government deeply appreciates the efforts that have been made by the Secretary-General and by many Governments, pursuant to Security Council resolution 731 (1992), to secure the Libyan Government's compliance with that resolution. We were especially grateful to the Arab Ministers who went to Tripoli last week to seek to persuade the Libyan leader to comply and hand over the accused so that they could stand trial. The three co-sponsors of the resolution have taken the greatest care to allow time for these efforts to bear fruit. Regrettably, it now seems clear - from the reports of the Secretary-General, from the outcome of the Arab Ministers' mission and from recent statements by the Libyan authorities - that, without further action by this Council, Libya has no intention of complying with resolution 731 (1992).

That is why we believe the Council now needs to take a further step. The resolution we have adopted today is in our view a proportionate and carefully measured response to the threat posed by the Libyan Government's actions in support of terrorism and its failure to respond positively to resolution 731 (1992). The sole objective of the sanctions imposed by this resolution is to secure compliance with paragraphs 1 and 2 thereof. The sanctions themselves are tailored precisely to this objective. They are limited to three precise areas: aviation, arms and Libyan Government overseas offices and officials. Given the tragic events that are the immediate background to the issue before the Council - the destruction of two aircraft in flight,

(Sir David Hannay,
United Kingdom)

resulting in the deaths of 441 individuals of over 30 nationalities - it is entirely appropriate to require that, until the Libyan authorities have complied with resolution 731 (1992), air links with Libya be cut. Equally, given the nature of Libya's involvement with terrorism and the means it has employed, it is entirely appropriate to impose the arms ban and to require action against Libyan Government overseas missions, and especially Libyan Arab Airlines offices.

We have held extensive consultations with all the members of the Council, and the resolution takes account of a number of concerns that have been raised. For example, the exception for humanitarian flights has been designed so as to cover flights connected with the hadj.

(Sir David Hannay,
United Kingdom)

References have been included at the request of certain neighbouring countries to the right of States enshrined in Article 50 of the Charter to consult the Council if they are confronted with special economic problems.

The sanctions will not be brought into force until 15 April. This pause will allow time for Libya to take steps that could avoid the imposition of sanctions completely. We hope, even at this late stage, that Libya will see reason and will comply with the requests.

The review clause in paragraph 13 of the resolution makes it clear that the Council will be ready to respond positively in the event of Libyan compliance. I must emphasize the very great importance my Government attaches to the requirement in paragraph 2 of the present resolution, which has two elements: first, a definitive commitment by Libya to cease all forms of terrorist activity and all assistance to terrorist groups and, secondly, prompt and concrete action by Libya to demonstrate its renunciation of terrorism. All members of the Council will, I am sure, understand why, in the case of Libya, a simple verbal commitment to renounce terrorism by itself is not adequate. We have heard such statements from Colonel Qaddafi in the past, yet the Libyan authorities have, by their own admission, continued afterwards to give direct assistance to terrorists. I would recall simply by way of example the case in 1973 when the ship Claudia was seized with a cargo of five tons of arms destined for the Provisional IRA, the murder in 1984 of policewoman Yvonne Fletcher by a shot fired from the Libyan People's Bureau in London and the incident in October 1987 when the ship Eksund was intercepted in the Bay of Biscay carrying 110 tons of weapons and explosives destined for the Provisional IRA.

(Sir David Hannay,
United Kingdom)

The threat of Libyan terrorism is thus not fanciful; it is a reality. And it is not only the three countries that are sponsors of the resolution that are liable to suffer from it. As I have said, over 30 countries had nationals murdered in the Pan Am and UTA atrocities. Indeed, the whole world has an interest in combating terrorism. In the agreed statement at the summit meeting of the Council on 31 January the members of the Council expressed, in the context of their commitment to collective security, their deep concern over acts of international terrorism, and they emphasized

"the need for the international community to deal effectively with all such acts." (S/PV.3046, p. 144)

Terrorists often have as their objective the undermining of efforts, by the United Nations and others, to seek peaceful solutions to international disputes. They represent, in fact, one of the greatest threats to peace around the world, and that includes to peace in the Middle East. If terrorists gain the upper hand, the rule of law and international peace and security are directly endangered. By adopting this resolution the Security Council has acted in full conformity with its primary responsibility for the maintenance of international peace and security.

I would just add one further point. The Libyan Government has obligations towards foreign nationals living in Libya which it must meet. This includes allowing them freedom to leave if they so wish. We should regard it with the utmost seriousness if there were any restraint on that freedom.

In conclusion, I emphasize once again that we do not want to impose sanctions for their own sake. We had hoped they would not be necessary. We still hope they will not be necessary. There is still time, before 15 April,

(Sir David Hannay,
United Kingdom)

for Colonel Qaddafi to take the steps required to avoid the implementation of sanctions.

Mr. MERIMEE (France)(interpretation from French): International terrorism is a scourge that poses a serious threat to international relations and jeopardizes the security of States. The Security Council must combat all forms of that scourge. Acts committed against international civil aviation are a particularly heinous manifestation of it.

Four hundred and forty-one victims from 30 countries perished in two acts of terrorism, one against Pan Am on 21 December 1988 and the other against UTA on 19 September 1989. My delegation's thoughts today are with the victims and their families. And it is against terrorism with regard to air transport that the resolution we have just adopted is concerned.

For months France, the United Kingdom and the United States have been demanding that Libya, several of whose nationals are the focus of serious allegations, contribute in an effective manner to the progress of justice. On 27 November each of the three Governments issued a communiqué addressed to the Libyan authorities and containing specific demands with regard to legal procedures and demanding that they implement them without delay. In the absence of any response from the Tripoli Goverment, the course chosen by the three countries has been that based on the rule of law, namely, the Security Council.

On 21 January the Council unanimously adopted a resolution urging the Libyan authorities to provide a full and effective response to the requests addressed to it to contribute to the elimination of international terrorism. That resolution was not complied with. The repeated efforts of the Secretary-General, of the League of Arab States and of Libya's neighbours have

(Mr. Mérimée, France)

been met with delaying tactics. In order not to reverse itself, the Security Council was therefore forced to adopt new measures to bring Libya to face up to its responsibilities. It has just done so by adopting resolution 748 (1992), of which France is a sponsor.

The sanctions imposed by this resolution against Libya are balanced and appropriate. They apply to three areas - arms, aviation and the personnel of diplomatic and consular missions - that can be used to support international terrorism.

These are therefore selective and fitting sanctions. They are not aimed at the Libyan people, who are not responsible for the actions of their leaders. Proof of this is the fact that, mindful of the importance of the religious pilgrimage to Mecca, the Council will provide the necessary authorizations for pilgrims wishing to go to Mecca to be able to do so.

In conclusion, my delegation wishes to stress that the resolution provides the Libyan leaders with a final deadline. The sanctions enacted will not enter into effect until 15 April. We hope that the Libyan authorities will make proper use of that delay.

Mr. HATANO (Japan): Japan is opposed to terrorism in all its forms. In an effort to clarify the facts surrounding the downing of Pan Am flight 103 and UTA flight 772, one of whose victims was a Japanese national, Japan has appealed repeatedly to the Libyan Government to comply with Security Council resolution 731 (1992). Many other Governments and many other international organizations, including our Secretary-General and the League of Arab States, have also tried to gain the cooperation of Libya. It is indeed regrettable that despite those endeavours Libya has so far not been able to provide a positive response to the requests.

(Mr. Hatano, Japan)

At the time resolution 731 (1992) was adopted on 21 January it was foreseen that the Security Council would be compelled to take further measures if Libya did not comply with it. Unfortunately, the subsequent developments in the situation call for the Council's adoption of a new resolution.

Japan is determined to continue to work for the solution of the difficult situation and for the elimination of international terrorism. Japan urges the Libyan Government to comply fully with the present Security Council resolution without much delay, possibly before 15 April. It is in the hope of gaining that compliance that my delegation has supported the adoption of the resolution.

Mr. ERDOS (Hungary) (interpretation from French): The crimes associated with international terrorism and leading to the loss of countless human lives throughout the world remain one of the most serious problems of our day. It is therefore only natural for the Security Council to deal with them very seriously and with an acute sense of responsibility. Accordingly, our Council is examining the acts of terrorism committed against Pan Am and UTA flights, because those acts constitute beyond any shadow of a doubt a threat to international peace and security.

Today, as we consider for the second time the fate of these Pan Am and UTA flights, we are compelled to note that, although over two months have passed since the adoption of Security Council resolution 731 (1992), Libya has yet to comply with its provisions. This is all the more regrettable since the United Nations Secretary-General, the League of Arab States and other countries have spared no effort to promote and facilitate the implementation of that resolution. All of this casts doubt on the value of statements expressing readiness to cooperate with the Security Council and professions of faith in the importance of national commitment and international cooperation in the struggle against terrorism.

Bearing in mind the vital significance of the subject before us today, as well as the credibility and authority of the United Nations, Hungary has felt and continues to feel that the Security Council must take further measures to ensure compliance with its own resolutions.

We are far from pleased about the application under Chapter VII of the Charter of sanctions against a State Member of the United Nations, and even less so in the case of a country with which we have had fruitful relations of economic cooperation. That is why we hope that the Libyan Government will respond to the requests contained in Security Council resolution 731 (1992)

(Mr. Erdos, Hungary)

and will make the appropriate commitment to renounce terrorism. We hope that the Libyan Government will take advantage of the period between now and mid-April to reconsider its position. We also venture to hope that it will see in the role that the Secretary-General of the United Nations is being called upon to play in this context, as well as in the possible activities of other States or groups of States, an opportunity to extricate itself from the present situation. For our part, we should like to see the Security Council meet as soon as possible, in accordance with the resolution that has just been adopted, to determine that the circumstances that led the Council to impose sanctions no longer exist; that would enable us to resume normal and regular contacts with Libya.

In that expectation, Hungary voted in favour of resolution 748 (1992), because we consider it necessary to act individually and collectively against any terrorist challenge, of any sort and from any source, to reject resolutely all complacency and complicity, and to do everything possible to put an end once and for all to this crime against humanity.

Mr. HOHENFELLNER (Austria): Austria's position on terrorism is clear, unwavering and unequivocal. We condemn vigorously all forms and all acts of terrorism and - since terrorism is a truly international problem which has to be combated internationally - we call on all members of the international community to join in the efforts to eliminate terrorism and to strengthen further their cooperation to that end on the global as well as the regional level. Terrorism is a most dangerous threat to international peace and security. That is why it is appropriate for the Security Council to deal firmly with the matter. Austria, as a party to all relevant instruments against terrorism, believes that action taken by the Council in this field should be guided by the principles enshrined in these conventions.

(Mr. Hohenfellner, Austria)

On 21 January 1992, on the occasion of the adoption of resolution 731 (1992), I called that resolution an important step in the internationally concerted action against the scourge of international terrorism, since it urged Libya to contribute to this task. I should like on behalf of Austria to commend all those who undertook efforts to bring about compliance by Libya with its obligations, and in particular the Secretary-General of the United Nations, the League of Arab States and various countries of the region concerned. Regrettably, Libya has still not implemented its obligations under that resolution. Hence, we voted in favour of resolution 748 (1992).

This resolution imposes certain sanctions on Libya designed to bring about Libyan compliance with its obligations under resolution 731 (1992). Sanctions are never a goal in themselves. They are not punishment; they are introduced in order to make a certain member of the international community comply with its obligations under the Charter of the United Nations. My country has always emphasized the importance of an adequate and balanced relationship between the objectives, on the one hand, and the ways and means to obtain these objectives, on the other.

Furthermore, it is evident that sanctions will have to be lifted once full implementation by the country concerned of its obligations has been achieved. That is why Austria has always stressed the necessity of establishing objective criteria for the provisions on the termination of sanctions. In this context, I should like to draw attention in particular to paragraphs 12 and 13 of resolution 748 (1992).

Paragraph 3 allows another 15 days before the application of sanctions against Libya takes place. We should like to reiterate our call upon Libya to use this time to fulfil its obligations.

Mr. LOZINSKY (Russian Federation) (interpretation from Russian): As was already stated by the representative of the Russian Federation in the Security Council when resolution 731 (1992) was adopted, Russia unequivocally and categorically condemns international terrorism, which poses an overt threat to our common security, and believes that all States should cooperate in establishing responsibility for the perpetration of terrorist acts.

Guided by the desire to ensure compliance with resolution 731 (1992) - which was unanimously adopted by the Security Council - without resort to enforcement action, the Russian Federation, together with many other States, has been trying for two months now to convince the Libyan authorities to heed the will of the international community. Unfortunately, these efforts, including the good offices of the Secretary-General of the United Nations, have not produced the desired results.

Accordingly, the Security Council had no alternative but to adopt another resolution providing for enforcement action to ensure compliance with the resolution it had previously adopted. Russia was compelled to proceed to this solution, although this was not easy for us in view of our long-standing friendly relations with Libya.

(Mr. Lozinsky, Russian Federation)

The Russian Government expects that Libya will take a realistic look at the situation and decide to comply with the wishes of the world community, and that it will put to good use the pause of goodwill established by the resolution and implement the Security Council resolution, in which case there will no longer be any need to enact sanctions.

Mr. NOTERDAEME (Belgium) (interpretation from French): Two months ago, Belgium voted in favour of resolution 731 (1992). Our vote today is part of the same logical pattern. Belgium has always condemned international terrorism in all its forms, whatever the attempts made to justify it. It therefore intends to give strong, constant support to all the efforts undertaken by the international community to combat the scourge of international terrorism. It is within this context, and this context alone, that the positive vote of my delegation has its motive. Indeed, the sanctions enacted today are clearly limited in scope; they are directly related to the acts of air terrorism behind resolution 731 (1992) and will remain in force only so long as the Libyan authorities do not comply with that resolution.

I wish to pay a particular tribute to the efforts of our Secretary-General, the Arab League and the non-aligned countries in trying to seek compliance on the part of the Libyan authorities with resolution 731 (1992). Unfortunately, these efforts have not yet yielded the hoped-for results, a fact which we regret, particularly in respect of the countries neighbouring Libya, which are thus exposed to the effects of a crisis to which they are not party.

Belgium is particularly pleased by the fact that the resolution incorporates various amendments submitted during the negotiations that have taken place in recent days. We see that provision has been made for a

(Mr. Noterdaeme, Belgium)

two-week delay, and we hope that that period will be put to good use by the Libyan authorities in order to respond to the injunctions of the Security Council. Belgium also notes that the committee set up by the resolution we have just adopted will be able to consider, on grounds of significant humanitarian need, any request for exemption from the embargo on flights.

Given Tripoli's attitude, it was necessary to preserve the credibility of our Council. Belgium hopes that this resolution will convince the Libyan authorities to cooperate actively in complying with resolution 731 (1992). Furthermore, we believe that today's vote should help to deter, in the future, any State from supporting terrorist organizations either directly or indirectly.

The PRESIDENT (interpretation from Spanish): In accordance with Council tradition, at the end of this meeting I wish to speak in my capacity as representative of Venezuela.

The Security Council, through resolution 731 (1992), has unanimously come out in favour of eliminating terrorism, and, in particular, has urged the Government of Libya to provide a complete and effective response to the requests submitted to it in order to determine responsibility for the terrorist acts committed against Pan Am flight 103 and UTA flight 772. The delegation of Venezuela has set out its position, pointing out that, as we see it, the cause of international peace and security requires a firm and resolute response against all manifestations of terrorism. On this occasion, we reiterate the contents of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the Declaration on the Strengthening of International Security adopted in General Assembly resolutions 2625 (XXV) and 2734 (XXV).

(The President)

I wish today to express my delegation's very special appreciation for the efforts of our Secretary-General, Boutros Boutros-Ghali, in seeking a negotiated solution with the Government of Libya that would avoid the application of sanctions. The repeated missions by his Special Envoy clearly made use of every possible diplomatic option. In this respect, we also wish to recognize the good offices deployed by the League of Arab States. We have no doubt that the mechanism sought in resolution 731 (1992) was perfectly incarnated in the person of the Secretary-General of the United Nations; the hierarchy he heads gave him the means he needs to carry out the mission of good offices the Council entrusted to him under resolution 731 (1992); and we deplore the fact that Libya has not availed itself of those good offices.

We now find ourselves in a situation of extreme complexity with implications of various kinds of which we are not unaware. In voting for resolution 748 (1992) today, we have borne very much in mind the circumstances and aspirations of the Libyan Government, but we have also borne very much in mind the aspirations of the 32 different nationalities to which the victims of the terrorist acts that led the Council to adopt resolution 731 (1992) belonged. We are also at one with the aspiration of the international community, which quite rightly desires acts of international terrorism not to go unpunished. To act otherwise, we believe, would encourage other such acts in future.

My delegation believes that this is not simply a matter which concerns Libya and the Security Council; it is a matter in which the international community is calling for justice in the midst of an institutional vacuum which the Security Council finds itself compelled to fill. That is its responsibility, and one which it is assuming today by adopting this resolution.

(The President)

Because of the need to strengthen the actions of the United Nations system as a whole, Venezuela reiterates the need for the system to be provided with legal mechanisms capable of dealing with the type of criminal activity now before the Council. Terrorism is a recurrent and unacceptable feature of the contemporary political scene; we reiterate our request that an international criminal court be set up to complement the International Court of Justice.

It is my delegation's understanding that both the Council and the International Court of Justice are independent of each other, and that each of these organs in the United Nations system must exercise its jurisdiction autonomously. It is important, however, that public opinion should understand that, although it would have been desirable for there to be a simultaneous decision by the two forums, the absence of such a simultaneous decision cannot inhibit the actions which the one or the other may take, and that their actions do not imply a disregard for their respective responsibilities.

Lastly, in connection with the scope of the sanctions regime authorized by this resolution, Venezuela wishes to make one more appeal to the Government of Libya, with which my country has diplomatic relations and with which we share economic interests, that Libya fulfil the provisions of resolution 731 (1992) before the 15 April 1992 deadline provided for in this latest resolution.

I now resume my function as President of the Security Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.50 p.m.